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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,466

08/23/2006

Timo Ali-Vehmas

879A.0072.U1(US)

9717

29683 7590 06/18/2008
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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

06/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,466	Applicant(s) ALI-VEHMAS, TIMO	
	Examiner PHUNG-HOANG J. NGUYEN	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/23/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification Objections

1. The Specification does not disclose ASCII. Appropriate correction is required.

Claim Objections

2. Claims 7 and 19 are objected to because of the following informalities: the recitation of ASCII should have been spelled out.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5. Claim 2 recites "a method according to claim 1, characterized in that the summons to the meeting is formed before the group of participants is formed". In contrary, Fig. 2 shows that forming of a group is step 1 and drawing up a summons is step 2.

Furthermore, the Specification, par. 0024, states "when the group of participants 400 has been formed, the process moves to step 2, in which a summons to the meeting 410 to be sent to all participants is formed". This shows that the forming of the group exists before (not after as claimed) the drawing up of the summons.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 30 is rejected under 35 U.S.C. 101 for claiming the non-statutory subject matter of a computer program. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory).

Therefore, since the claimed programs are not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

Claim 30 recites: "a computer program". The U.S. Patent and Trademark Office's current practice requires that a computer program be claimed in the following manner: "A computer readable medium comprising code which when executed causes a computer to perform the method of establishing a conference call."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 7-9, 13-16, 18-21, 24, 27 and 29-30 are rejected under 35 USC 102(b) as being anticipated by Kleier (US Pub 2002/0009990):

As to claims 1, 15, 24, 27 and 30 Kleier teaches a method, an application (WAP or Wireless Application program, as known a computer program by the skilled artisans) and a device (a mobile device) for arranging a conference call between three or more participants using a mobile terminal operating in a cellular network in which method a group of participants of the conference call is formed (*figs 8 and 10*), characterized in that in the mobile terminal of the convener of the conference call a summons (*figs. 7 and 9: an invitation*) to a meeting is drawn up in standardized form, a summons to a meeting is sent from a mobile terminal to all the members of the group of participants (*fig. 9 shows the invitation is sent to each user in D2 WAP Group call*), and calls coming from the participants are received in the mobile terminal and joined to the conference call automatically (*i.e., The mobile radio network 2 sends invitations (according to FIG. 7) (by mobile radio) to the participants 3, 4, 5, 6 of the group of mobile radio subscribers which are stored in the list for which list participant 1 has requested a telephone conference. If subscribers 3-6 of the list accept the invitation (or*

without invitation and automatically), they are connected to the telephone conference circuit by the mobile radio network 2, pars. 0032-35).

As to claim 2, Kleier teaches a method that the summons to the meeting is formed before the group of participants is formed (*i.e., Before or during the setting-up of the connection, an enquiry is preferably placed with participants whether the invitation to the conference connection is accepted, par. 0007. This indicates that the invitation is formed and the group is also regardless the order of being formed).*

As to claims 3 and 16 , Kleier teaches a method and an application that the group of participants is formed by selecting the participants from a list saved in the memory of the mobile terminal and/or inputting the contact information of the participants, such as telephone numbers, e-mail addresses or SIP addresses to the application manually (*i.e., the participants 3, 4, 5, 6 of the group of mobile radio subscribers which are stored in the list for which list participant 1 has requested a telephone conference, par. 0032; Or the list can be stored in the mobile radio network, in the mobile terminal or in a SIM card, par. 0028).*

As to claim 4, Kleier teaches a method that the group of participants is given a name and that the formed group is saved in the memory of the mobile terminal for later use (*i.e., in the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of*

the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025).

As to claim 5, Kleier teaches a method that the time of the conference call and other information concerning the conference call is given in the summons to the meeting (*see figs. 7 and 9, showing name of the participant, the conference number with options of "reject" or "accept"*).

As to claims 7 and 19, Kleier teaches a method that the summons to the meeting is formed as a character string composed of ASCII characters (*see figs. 7 and 9, the characters used are the ASCII*).

As to claims 8 and 20, Kleier teaches that the summons to the meeting is sent to the participants as a text message (*i.e., transmits a message (for example SMS PtP short message or WAP Deck/WAP Card) to the participants in the list for this group, par. 0006*).

As to claims 9 and 21, Kleier teaches that the summons to the meeting is sent to the participants as an e-mail message (*i.e., the invited participants can be checked via various telecommunication identities, especially telephone numbers, e-mail addresses etc., par. 0034*).

As to claims 13-14, Kleier teaches a method that the convener of the conference call is given a notification by means of the mobile terminal when a new participant has been joined to the conference call. Furthermore, the notification is given with an acoustic signal or a recorded voice message (*par. 0030*).

As to claim 18, Kleier teaches an application according said means for starting the application have been arranged in a menu of the mobile terminal as fig. 1 lists a number of different group (*i.e.*, *In the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal. If item 4 in FIG. 1 is selected (for example by pressing key 4 on the mobile terminal), the menu according to FIG. 2 is displayed, par. 0025).*

As to claim 29, Kleier teaches a mobile terminal that said means for starting the application have been arranged in a menu of the mobile terminal (*fig. 1 and pars. 0024-0026*).

Claim Rejections - 35 USC § 103

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2614

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6, 10-12, 17, 22-23, 25-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier (US Pub 2002/0009990) in view of Wu (Pat 6,275,575).

As to claim 6, Kleier does not specifically teach the agenda of the conference call is given in the summons to the meeting.

Wu teaches the agenda as seen in *"fig. 4A and 4C that the Chess Club meeting is called for a conference and the agenda is to discuss a "planning for upcoming tournament in Washington, D.C." for the purpose of letting the participants the head-up notes for their call.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of setting an agenda ahead of the call.

As to claims 10 and 22, Kleier does not specifically that in connection with forming the summons to the meeting, a connection is opened to a calendar application in the mobile terminal and a reservation of time is made in the calendar application.

Wu teaches the meeting is setup in conjunction with calendar 432 (*fig. 4B*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier

for the purpose of setting a calendar as a guide of date and time for the call so that the convener can quickly form the summons.

As to claim 11, Kleier does not specifically teach that the summons to the meeting is saved in the memory of the mobile terminal for later use.

Wu teaches the similar manner (*i.e., fig. 8 shows step 810 forwarding the invitation, then the invitation being saved. Upon completion of processing, a determination is made at 810 as to whether the coordinator wishes to forward the invitations to the selected participants. If the coordinator decides in the affirmative then the invitations are forwarded at 812. At 814 a determination is made as to whether the generated telephone conference profile information should be saved. At 816 telephone conference profile information to be saved is provided with an identifier and the process is concluded, col. 10, lines 19-26*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of utilizing the memory feature in a mobile device where it can save literally any activities once used for the future use.

As to claims 12 and 25, Kleier teaches the names of the group of participants are saved in the memory of the mobile terminal (*fig. 1*). Kleier does not specifically teach the duration of the conference call.

Wu teaches that “*screen display 510 provides descriptive information, the proposed primary and secondary start times and the conference's estimated duration, fig. 5B and col. 9, lines 52-54*”.

As to claims 17 and 28, Kleier teaches an application that said means for starting the application comprise the display of the mobile terminal (*(i.e., the menu in FIG. 1, for example, a telephone conference can be initiated to the members of group 1 (friends) by pressing key 1 on the mobile terminal on which this menu is displayed (or acoustically). This correspondingly applies to numbers 2 and 3 of the menu designated as "beer" or "basketball". The name for a menu can be selected arbitrarily by the user of the mobile terminal, par. 0025).*

Kleier does not specifically teach "a starting icon produced on the display". Wu teaches the icons on the display (*see figs. 4A-C*) for the purpose of promptly providing a visually interactive choice for the participants.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Wu into the teachings of Kleier for the purpose of maximizing the most use of every feature available for the mobile user.

13. Claims 23 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleier (US Pub 2002/0009990).

As to claim 23 and 26, Kleier does not specifically teach an application that it also comprises: means for separating the received summons to the meeting from other messages that have arrived; and means for giving a notification to the convener of the conference call when a new participant has been joined to the conference call.

It is, however, obvious to the ordinarily skilled artisans to believe that all messages coming in will be delivered to different folders or having different icons or

Art Unit: 2614

having different forms of notification based on the header information. It is to let the receivers, whether in a conference call or not, know the differences and to respond appropriately. Furthermore, conference call is created in a controlled environment where only certain members of a specific group (i.e., friends, beer, basketball, see fig. 1) are called to the conference. Most will come on time. Few will come late. It is so obvious that when new participant joins, in a very usual situation, a notification (i.e., acoustic sound) would indicate to the convener (if not all) that some one new is just join the call.

Therefore, it would have been obvious to one of ordinary skill in the art at the time to believe in a most logical way to believe that Kleier's system and method would be very capable of separating the received summons to the meeting from other messages that have arrived; and of giving a notification to the convener of the conference call when a new participant has been joined to the conference call.

INQUIRY

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 16, 2008

/Phung-Hoang J Nguyen/
Examiner, Art Unit 2614

/Curtis Kuntz/
Supervisory Patent Examiner, Art Unit 2614